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PATENT
4510-0105P

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JUN 30 2003
PATENT & TRADEMARK OFFICE

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: BASSETTE, et al. Conf.: 3008
Appl. No.: 09/830,114 Group: 2681
Filed: June 20, 2001
For: METHOD AND DEVICE FOR ADAPTIVE BANDWIDTH
PITCH SEARCH IN CODING WIDEBAND SIGNALS

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JUL 02 2003
OFFICE OF PETITIONS

NOTIFICATION OF ERRONEOUS PAYMENT OF SMALL ENTITY FEES
UNDER 37 C.F.R. § 1.28

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 30, 2003

Adjustment date: 07/14/2003 AKELLEY
04/26/2001 UEDB13E 00000045 09830114
01 FC:971 -430.00 OP
02 FC:254 -65.00 OP
03 FC:967 -387.00 OP

It is respectfully noted that the above-identified application does not qualify for small entity status under 37 C.F.R. § 1.27(a).

Small entity status was established with the filing of the application on June 20, 2001, and the small entity filing fee was paid in good faith. It has since been discovered that this status as a small entity was established in error, without the intent to deceive.

It is therefore respectfully requested that the error be excused. The following items are being submitted to comply with the requirements of 37 C.F.R. 1.28(c):

- (1) Separate submission for each application or patent.

This request is being submitted in connection with
Patent Appl. No. 09/830,114.

- (2) Payment of deficiency owed.

Adjustment date: 07/14/2003 AKELLEY
07/02/2003 ANONDAF1 00000019 09830114
01 FC:1461 -922.00 OP

A \$922.00 small entity filing fee and
additional claims fee under 37 C.F.R. §

07/02/2003 ANONDAF1 00000019 09830114

01 FC:1461 922.00 OP

09830114
00000004
07/14/2003 AKELLEY
01 FC:1617 130.00 OP
02 FC:1615 774.00 OP
03 FC:1613 900.00 OP

Appl. No. 60/366,243

1.482 and \$65.00 Surcharge Fee under § 1.492(e) was paid on June 20, 2001, with check number 4017451. Accordingly, the deficiency owed is \$922.00.

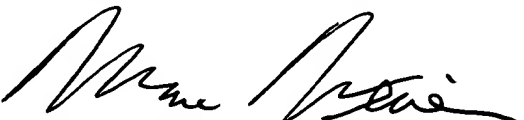
(ii) A check in the amount of \$922.00 is attached hereto, as payment of the deficiency owed.

It is again noted that the previous establishment of small entity status was made in error, without the intent to deceive. As it is believed that the requirements of 37 C.F.R. § 1.28(c)(1) and (c)(2) have been met, it is respectfully requested that the error be excused and that the U.S. Patent and Trademark Office forward appropriate notification to the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner, #32,181

MSW/HNS/ndb
4510-0106P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000